

**NC Conservation Tax Credit Program  
NC Division of Coastal Management**

**Donation Guidelines for Public Beach Access and Use or  
Public Access to Public Waters**

The NC Division of Coastal Management administers the NC Coastal Program under the authority of the NC Coastal Area Management Act (CAMA). According to CAMA, *Public purposes would be served by providing increased access to ocean beaches, public parking facilities or other related public uses.* The public has traditionally and customarily had access to enjoy and freely use the ocean beaches and estuarine and public trust waters of the coastal region for recreational purposes and the State has a responsibility to provide continuous access to these resources. It is the policy of the State to foster, improve, enhance and ensure optimum access to the public beaches and waters of the 20 county coastal region. The provision of access sites are to be consistent with rights of private property owners and the concurrent need to protect important coastal natural resources such as sand dunes and coastal marsh vegetation.

It is under this authority that the Division of Coastal Management will focus on and be the principle reviewer of donations under the NC Conservation Tax Credit Program citing Public Beach Access and Use, and Public Access to Public Waters as a public benefit.

The Division of Coastal Management will give a favorable review to properties meeting the following guidelines:

1. Waterfront property donated to a local unit of government for the purpose of establishing a new or expanding an existing public beach or coastal waterfront access within the 20 coastal counties designated by CAMA.
2. Unbuildable waterfront property due to federal, state or local regulation donated to the state of North Carolina or a local unit of government that would provide legal public access to ocean beaches or public waters within the 20 coastal counties designated by CAMA.
3. Unbuildable waterfront property due to federal, state or local regulation donated to the state of North Carolina for the provision of open space within the 20 coastal counties designated by CAMA. .
4. Easements across private waterfront property that would provide legal public access to ocean beaches or public waters within the 20 coastal counties designated by CAMA.
5. Non-waterfront property donated to a unit of government for the purpose of establishing parking for a new, or expanding parking at an existing

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public beach or coastal waterfront access within the 20 coastal counties designated by CAMA.

6. Property that has been identified in a state or locally adopted open space plan that provides access to public trust waters of the state within the 20 coastal counties designated by CAMA.

### **Donation Guidelines for Fish and Wildlife Conservation and Other Similar Land Conservation Purposes**

In order to effectively administer a comprehensive coastal management program, the Division must include and take interest in land management and acquisition strategies. This is in part due to recognition that some areas of the coast are inherently too hazardous or ecological sensitive to be developed even if subject to the regulatory authority of CAMA. The Public Beach and Coastal Waterfront Access Program and the NC Coastal Reserve Program fulfill this requirement. While land acquisition activities on the part of the Division have been effective, it is also recognized that they are expensive, require a great deal of staff time and carry the burden of long-term site management which often strain existing staff resources. It is for these reasons that the Division has an interest in the donation of coastal properties to the state, local governments or land trusts.

For donation purposes to the NC Conservation Tax Credit Program, the Division will consider certifying:

1. Fragile coastal natural resource areas that are generally recognized to be of educational, scientific, or cultural value because of the natural features of the particular site. These features in the coastal area serve to distinguish the area from the vast majority of coastal landscape and therein establish its value. Such areas may be key components of systems unique to the coast that act to maintain the integrity of that system.
2. Areas that contain outstanding examples of coastal processes or habitat areas of significance to the scientific or educational communities. These areas are essentially self-contained units or "closed systems" minimally dependent upon adjoining areas.
3. Areas that may be particularly important to a locale either in an aesthetic or cultural sense.
4. Fragile coastal cultural resource areas that are generally recognized to be of educational, associative, scientific, aesthetic, or cultural value because of their special importance to our understanding of past human settlement of and interaction with the coastal zone. Their importance serves to distinguish

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the area as significant among the historic architectural or archaeological remains in the coastal zone, and therein established their value.

4. Coastal areas that sustain remnant species. These areas support native plants or animals determined to be rare or endangered (synonymous with threatened and endangered), within the coastal area. Such places provide habitats necessary for the survival of existing populations or communities of rare or endangered species within the coastal area. A determination will be made based upon the listing adopted by the North Carolina Wildlife Resources Commission or the federal government listing; upon written reports or testimony of experts indicating that a species is rare or endangered within the coastal area; and upon consideration of written testimony of local government officials, interest groups, and private land owners. The continued survival of certain habitats that support native plants and animals in the coastal area is vital for the preservation of our natural heritage and for the protection of natural diversity which is related to biological stability. These habitats and the species they support provide a valuable educational and scientific resource that cannot be duplicated.
5. Coastal complex natural areas that support native plant and animal communities and provide habitat qualities that have remained essentially unchanged by human activity. Such areas may be either significant components of coastal systems or especially notable habitat areas of scientific, educational, or aesthetic value. They may be surrounded by a landscape that has been modified but does not drastically alter conditions within the natural area. Such areas may have been altered by human activity and/or subject to limited future modifications, e.g. the placement of dredge spoil, if it is determined that the modifications benefit the plant or animal habitat or enhance the biological, scientific or educational values which will be protected. Coastal complex natural areas function as key biological components of natural systems, as important scientific and educational sites, or as valuable scenic or cultural resources. Often these natural areas provide habitat suitable for threatened or endangered species or support plant and animal communities representative of pre-settlement conditions. These areas help provide a historical perspective to changing natural habitats in the coastal area and together are important and irreplaceable scientific and educational resources. The significance of a natural area may be determined by consulting the Natural Heritage Priority List maintained by the Natural Heritage Program.
6. Coastal geologic formations that contain geologic formations that are unique or otherwise significant components of coastal systems, or that are especially notable examples of geologic formations or processes in the coastal area. Such areas will likely be identified by the State Geologist. Unique coastal geologic areas are important educational, scientific, or scenic resources that would be jeopardized by uncontrolled or incompatible development. The

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objective is to preserve unique resources of more than local significance that function as key physical components of natural systems, as important scientific and educational sites, or as valuable scenic resources. Of specific interest is ensuring that the geologic feature will be able to freely interact with other components of the identified systems. These interactions are often the natural forces acting to maintain the unique qualities of the site. The primary concern is the relationship between the geologic feature and the accompanying biological component associated with the feature. Other interactions that may be of equal concern are those relating the geologic feature to other physical components, specifically the relationship of the geologic feature to the hydrologic elements; ground water and surface runoff. Donation should ensure that the geologic feature or process will be preserved for and be accessible to the scientific and educational communities for related study purposes.